

PROCEDURES FOR ESTABLISHING EMPLOYMENT GOALS AND TIMETABLES FOR PERSONS WITH DISABILITIES

Government Code Section 19232 requires State departments to annually review their work force composition to determine whether employees with disabilities are underrepresented in comparison to the California labor force and, if so, to set employment goals. On May 8, 1996, the State Personnel Board (SPB) adopted a new California labor force parity figure of 11.4% for persons with disabilities, which is to be used in determining the need to set employment goals. This memorandum provides information on how this figure is to be used by departments in establishing their annual goals and timetables for persons with disabilities.

Because labor force data on the representation of individuals with disabilities are not available on an occupational or geographic basis within California, a different approach must be taken than the one taken for women and minority groups. The 11.4% figure represents the average representation of persons with disabilities across all occupational and geographic areas in California. As such, it should be viewed as an overall general target for a department and not a specific goal for individual occupational groups.

Requirements for Departments

- Departments that have an overall representation equal to or greater than 80% of California labor force representation ($80\% \times 11.4\% = 9.1\%$) are not required to establish a goal for persons with disabilities. They are encouraged, however, to review their employment practices to ensure that they are free from inappropriate barriers to the employment of persons with disabilities.
- Any department that has an overall representation less than 9.1% is required to complete a thorough review of its employment practices, as described below, to determine whether any lack of effort to hire persons with disabilities or inappropriate employment barriers are the cause of the lower level of representation.
 - (a) If a department confirms that it has done everything possible to make a good effort to hire persons with disabilities and that it has no employment barriers based on a thorough review of its employment practices, it is not required to establish a goal.
 - (b) If a department is unable to confirm that it has done everything possible to make a good effort to hire persons with disabilities and/or identifies employment

barriers that have inappropriately limited the hiring or retention of persons with disabilities, it must establish an overall departmental employment goal and an action plan for goal achievement.

- In analyzing whether a department is doing everything it reasonably can to recruit, hire and retain qualified persons with disabilities, and whether a department's employment practices are free of inappropriate employment barriers, the following factors must be considered:
 - (1) The presence of any inappropriate (non job-related or unvalidated) physical or mental requirements in the class specifications for entry jobs;
 - (2) The adequacy of recruitment efforts to attract qualified persons with disabilities into entry examinations [Are exam bulletins sent to disability organizations in the community? (See Recruitment Sources Directory)];
 - (3) The percentage of applications from qualified persons with disabilities accepted in the last examination for entry classes in the department (See bottom line reports);
 - (4) The presence of any adverse impact against persons with disabilities at any stage of entry examinations for a department (See bottom line reports);
 - (5) The percentage of qualified persons with disabilities on employment lists for entry classes in the department (See bottom line reports);
 - (6) The percentage of persons with disabilities hired into entry classes in the department within the last three completed fiscal years (See Management Information Systems Report 5112);
 - (7) The percentage of persons with disabilities promoted to hire level positions in the department within the last three completed fiscal years (See Management Information Systems Report 5112);
 - (8) The presence of a departmental disability advisory committee to advise the department director regarding issues of concern to employees with disabilities as required by Government Code Section 19795(b);
 - (9) The extent to which the department has made appointments through the Limited Examination and Appointment Program (LEAP) during the last three completed fiscal years;
 - (10) Whether a survey of departmental employees has been conducted at least every five years to update information on the number of employees with disabilities;

- (11) The presence of a written departmental reasonable accommodation policy which has been distributed to all employees;
- (12) The number of reasonable accommodation requests received, approved, and denied within the last three completed fiscal years;
- (13) The number of discrimination complaints based on disability received by the department within the last three completed fiscal years;
- (14) Whether a self-evaluation of departmental employment practices and services to the public has been completed and a transition plan prepared as required by the Americans with Disabilities Act of 1990;

It is not necessary for departments to conduct a thorough reexamination of these factors every year; however, any significant changes in a factor of which a department becomes aware should be considered in determining the need to set an annual goal. Information should be thoroughly reexamined at least once every three years.

- If after reviewing the above 14 factors, problem areas or areas where improvement is needed are identified, the department must develop an appropriate annual goal and an action plan. To do this, consider the size of the deficiency; the anticipated number of hiring opportunities during the fiscal year; and the availability of qualified persons with disabilities on employment lists for entry classes. In estimating the number of hiring opportunities, consider such factors as the rate of staff turnover, increases or decreases in budgeted positions, and surplus employees in need of placement, etc. In general, departments should do everything they can to eliminate deficiencies within a ten-year period.
- All departments with 50 or more employees and a representation of persons with disabilities less than 9.1% must submit information to the SPB concerning the results of their analysis of employment practices whether or not an employment goal is supported. Government Code Section 19232 requires that information be submitted to the SPB by **June 1st** each year. If a goal is required, it should be stated as one overall departmental goal (Note: goals for individual classes or occupational groups are not required.) and reflect the number of anticipated hires of persons with disabilities for the fiscal year. Timetables should be expressed as the number of years anticipated to eliminate the department's deficiency. Required action plans must identify problem areas or areas where improvement is needed and what specific actions will be taken during the fiscal year.